

conditions, and that such sensitization might not be recognized by the user. The legend appearing on the label, "A Sulfa Drug Compound," was misleading since it created the impression that sulfanilamide was the only pharmacologically active component of the preparation, whereas the preparation also contained carbolic acid and mineral oil, which are pharmacologically active.

Further misbranding, Section 502 (e) (2), the label of the article failed to bear the common or usual name of the active ingredient, carbolic acid; Section 502 (f) (1), its labeling failed to bear adequate directions for use in the treatment of impetigo, for which purpose the article was offered, since the label statement, "Directions This preparation is intended \* \* \* to soothe \* \* \* irritation and discomfort resulting from such skin diseases as \* \* \* Impetigo \* \* \* Shake well before using and then apply locally by a gentle finger massaging of affected parts," did not constitute adequate directions for use of the article in the treatment of impetigo; and, Section 502 (f) (2), the article contained sulfanilamide and its labeling failed to bear a warning that its use should be discontinued if the skin condition under treatment became worse, if a new rash appeared, or if the patient developed a fever or any other indication of illness, and that the article might sensitize the user of sulfonamides so as to preclude their subsequent use, including their use in serious disease conditions.

**DISPOSITION:** The Nu-Basic Product Co. appeared as claimant and filed a motion to dismiss on the ground that a libel proceeding was pending in another district based upon the same misbranding as alleged in the instant actions, and that there had been no prior judgment in favor of the Government which would authorize multiple seizures of the product. The motion was subsequently overruled with the filing of amended libels which incorporated the allegations that the labeling had been found by the Commissioner of the Food and Drug Administration to be in a material respect misleading to the injury or damage of the purchaser or consumer of the product, and that an article of like composition and substance to the product, and labeled and branded almost exactly, had been previously the subject of a libel action which resulted in the condemnation of the article for having been misbranded. Thereafter, the cases were consolidated and removed for trial to the Northern District of Illinois, and on May 28, 1945, the claimant having admitted the facts in the libels, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

#### DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

**1567. Adulteration of wild cherry bark. U. S. v. 1 Drum of Wild Cherry Bark. Default decree of condemnation and destruction. (F. D. C. No. 13091. Sample No. 77432-F.)**

**LIBEL FILED:** July 28, 1944, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 4, 1943, by S. B. Penick and Co., from Jersey City, N. J.

**PRODUCT:** 1 100-pound drum of *wild cherry bark* at Long Island City, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 501 (a) (1), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect larva capsules, mites, rodent hair fragments, cat hair fragments, human hair fragments, and feather fragments; Section 501 (a) (2), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; and, Section 501 (b), it purported to be and was represented as *wild cherry bark*, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and its quality and purity fell below the official standard since it was not substantially free from extraneous animal material and animal excreta, as required by the standard.

**DISPOSITION:** July 25, 1945. The sole intervener having withdrawn his claim, judgment of condemnation was entered and the product was ordered destroyed.

**1568. Adulteration of Lobelia herb. U. S. v. 4 Bales of Lobelia Herb. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12977. Sample No. 68461-F.)**

**LIBEL FILED:** July 17, 1944, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 5, 1943, from Asheville, N. C.